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Examiner Maury A. Audet

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USPTO

Pages (including fax sheet): 5

Comments:

US Appln No. 10/802,919

Dear Examiner Audet:

Please see the attached letter re US Application No. 10/802,919. If you have any questions or require additional information please contact us at your earliest convenience.

Please confirm receipt of this facsimile to Cynthia Stepanek (cynthia.stepanek@dlapiper.com) or (858) 638-6677.

Sincerely,
Cynthia

Cynthia L. Stepanek

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June 17, 2009

Via Facsimile (571) 273-0960

Examiner Maury A. Audet
United States Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: **U.S. Patent Application No. 10/802,919**
Entitled: METHODS FOR DELIVERING COMPOUNDS INTO A CELL
Filed: March 18, 2004
Inventors: Unger and McCreery
Our Docket: IMARX1380-3

Dear Examiner Audet:

Thank you for your time yesterday to discuss the Terminal Disclaimer of June 3, 2009, which was submitted to the U.S. Patent & Trademark Office in connection with the above referenced application. As we previously agreed upon, the submitted Terminal Disclaimer was provided in order to correctly identify U.S. Patent No. 6,638,767.

A review of Public PAIR has indicated that the submitted Terminal Disclaimer has not been approved because it states "IMARX THERAPEUTICS, INC." as owner of the pending application, whereas U.S. Patent Application Publication No. 2004/0176473 A1 (U.S. Application No. 10/802,919) and U.S. Patent No. 6,638,767, state "ImaRx Pharmaceutical Corp." as the owner.

As explained below, the recorded Assignments for U.S. Application No. 10/802,919 and U.S. Patent No. 6,638,767 demonstrate that the correct owner for both of these cases is "IMARX THERAPEUTICS, INC."

U.S. Application No. 10/802,919

The continuity data for U.S. Application No. 10/802,919 is provided below:

U.S. Application No. 10/802,919 is a divisional application of U.S. Application No. 08/841,169, now U.S. Patent No. 6,743,779; which is a continuation-in-part application of U.S. Application No. 08/785,661, now abandoned; which is a continuation-in-part application of U.S. Application

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No. 08/640,554, now abandoned; which is a continuation of U.S. Application No. 08/346,426, now U.S. Patent No. 5,733,572.

In the case of a divisional application, a prior assignment recorded against the original application is applied to the divisional application.

The recorded Assignments for U.S. Patent Nos. 6,743,779 and 5,733,572 are outlined in the below tables:

U.S. Patent No. 6,743,779		
Assignment (Reel/Frame)	Assignors	Assignee
1 (008712/0725)	UNGER, EVAN C. MCCREERY, THOMAS	IMARX PHARMACEUTICAL CORP.
2 (011425/0046)	IMARX PHARMACEUTICAL CORP. AN ARIZONA CORPORATION	IMARX, LLC
3 (011425/0432)	IMARX, LLC	IMARX THERAPEUTICS, INC.
4 (011436/0117)	IMARX THERAPEUTICS, INC.	IMARX THERAPEUTICS, INC.
5 (017626/0618)	IMARX PHARMACEUTICAL CORPORATION	IMARX THERAPEUTICS, INC.

U.S. Patent No. 5,733,572		
Assignment (Reel/Frame)	Assignors	Assignee
1 (007569/0991)	UNGER, EVAN C. MATSUNAGE, TERRY YELLOWHAIR, DAVID	IMARX PHARMACEUTICAL CORP.
2 (011425/0046)	IMARX PHARMACEUTICAL CORP. AN ARIZONA CORPORATION	IMARX, LLC
3 (011425/0432)	IMARX, LLC	IMARX THERAPEUTICS, INC.
4 (011436/0117)	IMARX THERAPEUTICS, INC.	IMARX THERAPEUTICS, INC.
5 (011497/0505)	IRMARX THERAPEUTICS, INC.	SILICON VALLEY BANK
6 (015592/0901)	SILICON VALLEY BANK	IMARX THERAPEUTICS, INC.
7 (017626/0618)	IMARX PHARMACEUTICAL CORPORATION	IMARX THERAPEUTICS, INC.

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As evidenced by their recorded Assignments, both U.S. Patent Nos. 6,743,779 and 5,733,572 are owned by IMARX THERAPEUTICS, INC. In addition, from the continuity data outlined above, U.S. Application No. 10/802,919 is also owned by IMARX THERAPEUTICS, INC.

U.S. Patent No. 6,638,767

The recorded Assignments for U.S. Patent No. 6,638,767 are outlined in the below table:

U.S. Patent No. 6,638,767		
Assignment (Reel/Frame)	Assignors	Assignee
1 (011396/0421)	UNGER, EVAN C. MCCREERY, THOMAS	IMARX PHARMACEUTICAL CORPORATION
2 (017626/0618)	IMARX PHARMACEUTICAL CORPORATION	IMARX THERAPEUTICS, INC.

As evidenced by their recorded Assignments, U.S. Patent No. 6,638,767 is also owned by IMARX THERAPEUTICS, INC.

In conclusion, it is submitted that the Terminal Disclaimer of June 3, 2009, names the correct owner for U.S. Application No. 10/802,919 and U.S. Patent No. 6,638,767, namely: "IMARX THERAPEUTICS, INC."

It is our understanding that with this clarification of the ownership, this application is now in condition to be issued.

If you have any questions or require additional information, please contact us at your earliest convenience.

Very truly yours,

DLA Piper LLP (US)

A handwritten signature in cursive script, appearing to read 'Edward D. Robinson'.

Edward D. Robinson
Associate

EDR:cls

cc: Lisa A. Haile, J.D., Ph.D. – DLA Piper LLP (US)

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